IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH.

CWP No.10114 of 2007
Date of decision: 20.08.2007

Jagminder Singh.

-----Petitioner

Vs.

Punjabi University and others.

-----Respondents

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL

HON'BLE MR JUSTICE AJAI LAMBA

Present: Ms. Alka Chatrath, Advocate
for the petitioner.

Mr. S.S. Brar, Advocate
for respondent No.1.

Mr. Anil Kumar Sharma, Sr. DAG, Punjab.

Adarsh Kumar Goel, J.

This petition challenges letter dated 20.6.2007, Annexure P-4, rejecting application of the petitioner for admission to the B.Ed. Entrance Test-2007.

Case of the petitioner is that he is a backward class candidate and has secured 49% marks in the graduation. For admission to the B.Ed. course, requirement is 50% marks in graduation, which is to be reduced by 5% in the case of Backward Class candidates.

Learned counsel for the petitioner relied upon following condition mentioned in the prospectus, Annexure P-3:-

"**Exemption**

In the case of students belonging to SC/ST and Backward Classes (excluding economically backward class), the requirement of 50% marks shall be reduced by 5% provided they have obtained minimum pass marks prescribed by the regulations."

On 12.7.207, following order was passed:-

"On oral prayer, State of Punjab is impleaded as party.

Notice to A.G. Punjab.

Mr. Anil Kumar Sharma, DAG, Punjab accepts notice and seeks time.

Adjourned to 27.7.2007.

We have heard learned counsel for the petitioner on prayer for interim relief as it is stated that examination is to commence tomorrow.

This petition has been filed against the rejection of the petitioner's candidature to B.Ed. Entrance Test-2007 on the ground that the petitioner has obtained 49% marks though requirement is of 50%.

It is pointed out that the petitioner has applied as backward class candidate. As per the provisions in the prospectus, there is provision for exemption which provides for requirement of 50% being reduced by 5% in such a case, if the candidate has obtained minimum marks fixed by regulation. It is also pointed out that as per regulation of

the Punjab University reproduced in para 7 of the petition, minimum marks laid down are 45%.

It is further pointed out that no percentage has been specified for the Punjabi University.

In view of the above, the petitioner has made out a clear prima facie case for eligibility for admission to the B.Ed. Session 2007.

Pending further hearing and disposal of the writ petition we direct that the writ petitioner be treated as eligible for B.Ed. Entrance Test.

A copy of the order be given dasti to the counsel for the petitioner, under signatures of the Bench Secretary."

Learned counsel for the respondents submitted that provision for exemption in the prospectus was for admission and not for Entrance Test.

We are unable to accept the above submission.

The Entrance Test was for admission and if a candidate is eligible for admission by reduction of qualifying marks, there is no reason for not extending the said benefit for Entrance Test. Accordingly, this petition is allowed and the petitioner is held to be eligible for admission to the B.Ed. Entrance Test-2007.

(ADARSH KUMAR GOEL)
JUDGE

August 20, 2007 **(AJAI LAMBA)**
ashwani **JUDGE**